



## **OFFICE OF THE HENNEPIN COUNTY ATTORNEY**

### **MARY F. MORIARTY COUNTY ATTORNEY**

**Title:** Policy on Youth Interrogations

**Effective date:** January 12, 2026

#### **I. Introduction**

The Hennepin County Attorney's Office (HCAO) recognizes that youth suspected of crimes present particular concerns when subjected to custodial interrogations by law enforcement. In addition to their relative lack of sophistication gained from life experience, there is now a wealth of knowledge illuminating how adolescent brains differ from fully developed adult brains in ways that make them less likely to grasp the import of choosing to speak with law enforcement and more vulnerable to certain psychologically coercive interrogation techniques. Such techniques, when used with youth, present an outsized risk of generating false confessions or, even where the suspect is guilty, statements tainted by inaccurate details. These outcomes result in miscarriages of justice and undermine the interest of public safety. This Policy sets forth certain baseline requirements for HCAO prosecutors to use statements arising out of youth interrogations and imposes restrictions on using statements that were the result of especially problematic interrogation techniques.

#### **II. Policy**

##### **A. Children Under 14 Years Old**

HCAO prosecutors shall not seek to introduce as evidence in any proceeding a statement made by a child under the age of fourteen during a custodial interrogation.

##### **B. Non-Waivable Right to Consult Attorney**

HCAO prosecutors shall not seek to introduce as evidence in any proceeding against a child under the age of eighteen at the time of a custodial interrogation a statement made by that child during that interrogation unless the following requirements (in addition to all other requirements under applicable law) were satisfied prior to commencing the interrogation:

1. An officer made reasonable efforts to notify a parent, guardian, or custodian that the child was to be interrogated, and the parent, guardian, or custodian was afforded a

reasonable amount of time to travel to the location of the interrogation if they chose to do so;

2. The child consulted with an attorney in a manner that was confidential, whether in person, by phone, or by video (such consultation not being subject to waiver); and
3. Following that consultation, the child was able to explain their *Miranda* rights in their own words, indicated that they understood those rights, and expressly stated that they would like to proceed to speak with law enforcement.

Notwithstanding the foregoing, a prosecutor may seek to use a statement from an interrogation deviating from these requirements if:

- i. the officer reasonably believed that the information sought from the child was necessary to protect the child or another person from an imminent threat of serious physical harm, and
- ii. the officer's questions were limited to those questions reasonably necessary to obtain that information.

Examples of circumstances that would meet this exception include, but are not limited to:

- The officer has credible information that a student has a dangerous weapon in the school;
- The officer has credible information that a student expressly threatened, including in the form of online posts, to engage in violence against people at the school; or
- The officer has credible information that the youth can identify or help locate other individuals who are engaged in a spree of violent crimes that is reasonably believed to be ongoing at the time of the interrogation.

Evidence obtained in violation of this section may be used for impeachment purposes.

Further, the rule in item 1 above may be excused where the only known parent, guardian, or custodian is suspected of participating in the criminal conduct that is the subject of the interrogation.

### **C. Proscribed Interrogation Techniques**

Even if the requirements set forth above in Section B are satisfied, HCAO prosecutors shall not seek to introduce any portion of a statement made during a custodial interrogation of a child after an interrogating officer does any of the following:

1. Knowingly communicates false information about the existence or nature of evidence in the case;

2. Communicates statements regarding leniency that the officer was not authorized to make; or
3. Employs a polygraph, computer voice stress analysis, or functionally equivalent technology purporting to detect physiological indicators of deception.

Statements in which techniques 1 or 2 are used are presumptively inadmissible pursuant to Minnesota Statutes Section 634.025. HCAO will not use such statements even if that presumption might be overcome pursuant to Section 634.025(b).

Further, HCAO prosecutors will impose a strong presumption against using any statement made during a custodial interrogation of a child if (1) the interrogation consisted of more than four hours of questioning in total (not counting breaks), (2) the child was not afforded at least 15 minutes of break following each hour of questioning, or (3) any of the following interrogation techniques were employed as a material component of the interrogation:

1. **Maximization:** Techniques that have the effect of exaggerating the magnitude of the charges the child is facing or could face or the strength of the evidence against them. The foreseeable result of such techniques is to cause the child to fear that they will be substantially worse off if they are not perceived as cooperating with law enforcement.
2. **Minimization:** Techniques that have the effect of downplaying the moral and/or legal seriousness of the conduct of which the child is suspected. These techniques involve the development of themes that offer the child a narrative that at least partially justifies or mitigates their actions. Minimization typically involves leading questions from officers suggesting that the conduct at issue was accidental, spontaneous, or the product of some external factor, such as provocation, seduction, peer pressure, or intoxication, as opposed to reflecting the child's considered, deliberative actions. These techniques typically involve expressions of sympathy and understanding as to how a person in the suspect's situation could have acted as they did. The foreseeable result of such techniques is to cause the child to conclude that they will be better off cooperating with law enforcement, even if the officer does not make any express promises.
3. **False Binary / Forced Choice:** Closely related to maximization and minimization, this technique disregards the possibility of the suspect's innocence and frames the inquiry at hand in terms of two possibilities, both of which are incriminating, but one of which is far worse than the other both legally and morally. For example, the officer may posit that the suspect is either (a) a depraved killer who went there that day planning to kill a defenseless victim, or (b) a person facing all kinds of

pressures from the outside world who made an unfortunate mistake but who never intended to cause anyone's death. Often this false binary is framed with reference to the suggestion that this is the suspect's best chance to tell their side of the story for the prosecutors.

Notwithstanding the foregoing presumption, a prosecutor, with prior approval of the Managing Attorney of the Youth Prosecution Division, may seek to use a statement from an interrogation that violated one of the preceding rules on timing or in which one or more of these techniques was used if, based on the totality of the circumstances, the prosecutor reasonably and in good faith concludes that any portion of the statement to be used was voluntary, reliable, and not induced by the techniques in question.

Evidence obtained in violation of this section may not be used for impeachment purposes.

#### **D. Interviews at Schools**

HCAO prosecutors will presumptively not seek to introduce as evidence in any proceeding against a child any statement by that child that is obtained through an interview conducted at the child's school involving law enforcement.

Notwithstanding the foregoing, a prosecutor may seek to use a statement from an interrogation deviating from these requirements where:

- i. the officer reasonably believed that an immediate interview at the child's school was necessary to protect the child or another person from an imminent threat of serious physical harm, and
- ii. the officer's questions were limited to those questions reasonably necessary to obtain that information.

For purposes of this section, "interview" means a structured conversation for which the principal purpose is to obtain from the child information pertaining to a suspected crime. This definition does not encompass limited questioning of a child that is incidental to regular interactions that occur between school resource officers and students in the ordinary course. For the avoidance of doubt, nothing in this section should be interpreted to limit the otherwise lawful ability of school resource officers or law enforcement officers to intervene in an active dispute in a school or to otherwise act to stop ongoing criminal activity.

The Managing Attorney of the Youth Prosecution Division may authorize an exception to the presumption section where, based on the particular circumstances of a given case, the interests of justice would not be served by excluding the statement at issue.

To the extent a child suspected of a crime is interviewed at school about their involvement in suspected criminal activity, the HCAO will treat that interview as a custodial interrogation if any law enforcement officer, including a school resource officer, is present for the interview, even if the questioning is conducted primarily or exclusively by school administrators.

This section applies to interviews that occur during the school day as well as to interviews that occur at school-sponsored activities at the child's school including before and after school programming and extra-curricular activities. Other circumstances are governed by Section B above.

Evidence obtained in violation of this section may be used for impeachment purposes unless the interrogation also violated Section C above.

#### **E. Admissibility of Evidence Obtained**

All of the provisions in this Policy that limit the use of statements provided during the custodial interrogation of a child also limit the use of evidence that was separately obtained as a direct result of information provided by the child in that same custodial interrogation.

#### **F. Prosecution With Other Admissible Evidence**

HCAO prosecutors may file a petition and/or continue to prosecute a case when statements or other evidence are excluded under this policy if other admissible evidence exists that is sufficient to support the charges.